

REMARKS

In the Office Action mailed April 6, 2009 the Office noted that claims 1-16 were pending and rejected claims 1-6. Claims 1-9, 11 and 13-16 have been amended, claims 10 and 12 have been canceled, claims 17 and 18 have been added, and, thus, in view of the foregoing claims 1-9, 11 and 13-18 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

OBJECTION TO THE SPECIFICATION

The disclosure stands objected to for informalities. In particular, the Office states that the Specification lacks section headings.

The Applicants submit herewith a replacement Specification complete with section headings.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that the claim use indefinite terms.

The Applicants has amended the claim to overcome the rejection of the Office.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claims 1, 13 and 14 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the method claim 1 fails to be tied to a machine or transformation as set out in *In re Bilski*; and claims 13 and 14 may be drawn to signals.

The Applicants have amended the claims to overcome the rejections. Support for the amendment to claim 1 may be found, for example, in Fig. 1, processor 110. Support for the amendments to claims 13 and 14 may be found, for example, in ¶ 0006 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1, 2, 5-9, 11 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stahl, U.S. Patent No. 5,274,817. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Stahl discusses a method for executing a subroutine in a computer which includes a memory and a stack.

Claim 1 has been amended to recite "a step of stacking

a predetermined value in an instruction stack of the program;
***said predetermined value being an address of an anomaly
processing function, during the normal execution of the program,
a step of removing said predetermined value from the instruction
stack, without executing the anomaly processing function; and a
step of unstacking said stack wherein if said predetermined value
is unstacked, the anomaly processing function is executed."***

Support for the amendment may be found, for example, in ¶¶ 0046
and 0146 of the printed publication version of the Specification.
The Applicants submit that no new matter is believed to have been
added by the amendment to claim 1.

The prior art of record fails to disclose said
predetermined value being an address of an anomaly processing
function, during the normal execution of the program, a step of
removing said predetermined value from the instruction stack,
without executing the anomaly processing function; and a step of
unstacking said stack wherein if said predetermined value is
unstacked, the anomaly processing function is executed.

For at least the reasons discussed above, claim 1 and
the claims dependent therefrom are not anticipated by Stahl.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being obvious over Stahl in view of McInerney, U.S. Patent No. 5,956,479. The Applicants respectfully disagree and traverse the rejection with an argument.

McInerney adds nothing to the deficiencies of Stahl as applied against the independent claims. Therefore, for at least the reasons discussed above, Stahl and McInerney, taken separately or in combination, fail to render obvious claims 3 and 4.

Claims 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being obvious over Stahl in view of Szor, U.S. Patent Publication No. 2004/0158729.

Claims 10 and 12 have been cancelled.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being obvious over Stahl in view of Zisowski, U.S. Patent Publication No. 2003/0188174. The Applicants respectfully disagree and traverse the rejection with an argument.

Zisowski adds nothing to the deficiencies of Stahl as applied against the independent claims. Therefore, for at least the reasons discussed above, Stahl and Zisowski, taken separately or in combination, fail to render obvious claim 16.

Withdrawal of the rejections is respectfully requested.

NEW CLAIMS

Claims 17 and 18 are new. Support for claims 17 and 18 may be found for example, in ¶ 0061 of the printed publication version of the Specification. The prior art fails to disclose, teach or suggest the anomaly processing function is adapted to destroy an operating system of said smart card.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 101, 102 and 103. It is also submitted that claims 1-9, 11 and 13-18 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- ☒ - a Substitute Specification and a marked-up copy of the originally-filed specification